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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,240	06/26/2001	Jessica M. Barnes	10420/17	4905
7590 01/25/2008 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER SALIARD, SHANNON S				
ART UNIT 3628		PAPER NUMBER		
MAIL DATE 01/25/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/893,240

**Applicant(s)**

BARNES ET AL.

**Examiner**

SHANNON S. SALIARD

**Art Unit**

3628

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/IC)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. Applicant has amended claim 1 and cancelled claims 4 and 15-26. No claims have been added. Thus, claims 1-3 and 5-14 remain pending and are presented for examination.

### ***Allowable Subject Matter***

2. The indicated allowability of claim 4 is withdrawn in view of the newly discovered reference(s) to Glenn et al [US 2002/0004695]. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 1** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claim 1**, the limitation “comparing the second image of the passenger to a prior image of the passenger”, in line 12 is vague and indefinite. It is unclear to the Examiner if the “prior image” in line 12 is the same “prior image” in line 5 or if the “prior image” is a second prior image. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-3, 5-9, and 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al (6,119,096) in view of Glenn et al (US 2002/0004695).

As per **Claim 1**, Mann et al ('096) discloses: entering information identifying the passenger a first time into a computer interface, [see figure 12 (202)]; recording a first electronic image of the passenger, [see figure 12 (204)]; comparing a prior image of the passenger to the first image, [see figure 6 (610)]; sending information identifying the passenger to a government or government agent in a destination country, [see column 6, lines 44-49, and column 8, lines 52-54]; entering information identifying the passenger a second time into a computer interface before departure and verifying an identity of the passenger, [see figure 6 (612)]; recording a second electronic image of the passenger, [see figure 6 (616)]; comparing the second image to a prior image of the passenger, [See figure 6 (616)]; and routing the passenger in accordance with the data and an instruction from the government or government agent, [see figure 1 b (124, 126)].

Mann et al does not explicitly disclose wherein the second electronic image is recorded on an aircraft. However, Glenn et al discloses a method of recording

electronic images of a passenger within an aircraft cabin [0012; 0026; 0032]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Mann et al to include the method disclosed by Glenn et al to produce video information of value to investigators or for improved operations [0024].

As per **Claim 2**, Mann et al ('096) further discloses the first electronic image is recorded in an originating country, [see column 5, lines 3-18].

As per **Claim 3**, Mann et al ('096) further discloses the first electronic image is transmitted to a destination country, [see column 6, lines 28-57].

As per **Claim 5**, Mann et al ('096) further discloses the electronic image is selected from a group consisting of a photograph, a fingerprint an iris scan and a voiceprint, [see column 5, lines 2-18].

As per **Claim 6**, Mann et al ('096) further discloses the entering of flight information for the passenger into the computer interface, [see column 16, lines 56-65].

As per **Claim 7**, Mann et al ('096) further discloses retrieving data of passengers scheduled for a flight from a first computer memory and storing the data in a second computer memory, [see column 16, line 56 - column 17, line 20 and column 6, lines 28-57].

As per **Claim 8**, Mann et al ('096) further discloses the comparing is performed by a computer with software selected from the groups consisting of feature recognition software, voice recognition software and facial recognition software, [see column 5, lines 2-18].

As per **Claim 9**, Mann et al ('096) further discloses taking a subsequent image of the passenger and comparing the subsequent image to the first electronic image, and routing the passenger according to the result of a comparison of the first electronic image and the subsequent image, [see figure 6 (610, 616)].

As per **Claim 12**, Mann et al ('096) further discloses giving the passenger notice of an instruction of the government or government agent, [see figure 1b (124, 126)].

As per **Claim 13**, Mann et al ('096) further discloses no instruction is received from the government and the passenger is not required to process through customs, [see figure 1 b (124)].

7. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al (6,119,096) in view Glenn et al (US 2002/0004695) as applied to claim 1 above, and in further view of Official Notice.

As per **Claim 10**, Mann et al ('096) discloses filling out forms on a computer and sending them to an agent of the government and routing the passenger according to a government or government agent, [see column 5, lines 3-45], but does not specifically disclose filling out customs declaration forms. Official Notice is taken that it is old and well known that any type of form can be filled out and sent. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to fill out a customs declaration form in Mann et al's system for the benefit of increased speed of processing through the airport.

8. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al (6,119,096) in view of Glenn et al (US 2002/0004695) as applied to claim 1 above, and in further view of Diamond et al (6,698,653).

As per **Claim 11**, Mann et al ('096) further discloses a tag with memory associated with the baggage, sending the data (tag with baggage) and routing the baggage, [see column 17, lines 7-59], but does not disclose electronically inspecting luggage of the passenger, making a record of the electronic inspecting, entering the record into the computer memory, sending to the government or government agent, and routing the baggage in accordance with the government or government agent. Diamond et al (653) teaches inspecting luggage of the passenger, making a record of the electronic inspecting, entering the record into the computer memory, sending to the government or government agent, and routing the baggage in accordance with the government or government agent, [see figure 2 (22, 23), figure 6 (78, 79, 84) and figure 9 (134)] for the benefit of monitoring that baggage contains no prohibited items and that passengers board the plane with their luggage. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to inspect baggage, enter records into a computer memory and send the data to an agent and route the baggage in accordance with the agent for the benefit of monitoring that baggage contains no prohibited items and that passengers board the plane with their baggage.

9. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al (6,119,096) in view of Glenn et al (US 2002/0004695) as applied to claim 1 above, applicant's disclosure.

As per **Claim 14**, Mann et al ('096) does not specifically disclose if no instruction is received from the government or government agent and the passenger is automatically required to process through customs Or immigration or both customs and immigration. Applicant's application, page 1, lines 19-21 teaches that it is old and well known to automatically require the passenger to process through customs and immigration to control the flow of goods and people into a country. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to if no instruction is received from the government or government agent and the passenger is automatically required to process through customs or immigration or both customs and immigration to control the flow of goods and people into a country.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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"PROPOSED" or "DRAFT"]

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